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DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

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Division Director

Inspection Report

Minerals Regulatory Program

May 9, 2008

Supervisor *RL*

Mine Name: Wonder #2

Operator Name: Diversified Stone Products

Permit number: S/041/0025

Inspection Date: April 29, 2008

Time: 2:00 pm

Inspector(s): Lynn Kunzler, DOGM

Other Participants: Tony Aguiar, Operator, Wayne Wetzel, Michael Jackson and Richard Fleming, BLM

Mine Status: Inactive/undergoing reclamation

Elements of Inspection	Evaluated	Comment	Enforcement
1. Permits, Revisions, Transfer, Bonds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Public Safety (shafts, adits, trash, signs, highwalls)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Protection of Drainages / Erosion Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Deleterious Material	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Roads (maintenance, surfacing, dust control, safety)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Concurrent Reclamation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Backfilling/Grading (trenches, pits, roads, highwalls,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Purpose of Inspection:

To review with operator and agencies the reclamation work completed and what work still needs to be completed.

Inspection Summary:

The operator had hired a third party last fall to reclaim the site and was under the impression that the regrading work had been completed. Inspections after this work had been completed had determined that the work was not adequate and that additional regrading work was needed. As we reviewed what had been done, it was agreed that only the access road regrading was completed. There was more waste material that should have been removed from the dump slope, and this material should be used to backfill against the highwall. With the access route being regraded, we discussed and looked at several alternatives to access the pit to complete the work, including re-opening the access road. The operator agreed to contact the reclamation operator and have him meet with us in the near future to review on-site with him what needed to be done and to determine if the various access alternatives were viable (from a safety aspect)

Photos were taken to document site conditions.

(The BLM also provided an inspection report to DOGM. A copy is in the file and provides additional detail).

Inspector's Signature *LK*

LK:pb

cc: Michael Jackson, BLM

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INSPECTION REPORT

CASE FILE: UTU-71573

OPERATOR: Diversified Stone Products

LEGAL: SENWNE, NESWNE section 23, T. 26 S., R. 4 W., SLM

INSPECTOR: Michael K. Jackson, Geologist

DATE of INSPECTION: April 29, 2008

DATE of REPORT: May 1, 2008

The Diversified Stone Products (DSP) site was inspected with the following present: Tony Aguiar (DSP), Wayne Wetzel (AFM, Richfield Field Office), Lynn Kunzler (Reclamation Specialist, DOGM, Utah), Richard Fleming (Geologist, Richfield Field Office), and myself. The meeting was requested to discuss further reclamation at the DSP quarry. Since the last inspection on November 30, 2007, no changes in the site re-contouring were noted. The reclamation work was discussed as the site was examined.

The parties agreed that waste rock is still present on the slope, southwest of the quarry, which is dump material that was casted down the slope. This waste material is within reach of an excavator and could have been pulled up as backfill. Mr. Aguiar believed that he was not required to pull up material that was below the reach of an excavator, as he believed that at the pre-work meeting last year, BLM and DOGM had stated that only material within reach from the excavator at the quarry or bench level had to be pulled up. My recollection is that I had stated that scattered boulders at the toe of the slope did not need to be pulled up or retrieved and hauled to the backfilled quarry. The decision of June 21, 2004, stated: "Rock material that was cast down the slope as part of stockpiles and/or waste rock dumps, immediately adjacent to the quarry pit, must be removed from the slope and re-contoured as part of the pit reclamation." BLM's goal was to address a performance, not a design, standard.

There was discussion about stockpiled material at the north end of the quarry. I recollect that this material was excavated from the quarry. Mr. Aguiar believes it was in place at the time that the quarry was opened in 1994. The material is similar dark gray, deeply weathered material that is present in the highwall of the quarry. I believe it was stockpiled as topsoil, but it does not appear to be suitable for such, as no vegetation is growing on it. I recommend it be used as fill.

Mr. Aguiar is willing to do additional work to meet the regulatory standards. However, he does not appear willing to completely pull up all waste rock.

The parties discussed the access for equipment at this time, now that the original access road has been re-contoured. The slope north of the quarry was considered, but Mr. Aguiar had concerns

about an excavator traversing that slope. An excavator could also access the quarry from the road below the quarry and dump, although some cutting of a "ramp" may be necessary. If that route is followed, then lower dump material that was not pulled previously could be lifted in stages. The original access could be re-opened. There may be other available routes.

BLM and DOGM discussed that the previous work appears to have been a minimal effort to re-contour the berm of waste rock and the waste rock dump that were south and southwest of the previous quarry. The equipment operator, as part of the completed reclamation to date, removed the berm, and that material was used to backfill the quarry pit or floor. Then, some additional material on the waste rock dump (slope) was pulled up, but not all the material within reach of the excavator was pulled up. Visual estimates are that the remaining waste rock on the dump is 2 feet or more in thickness, and the lowest material in the dump was not disturbed. Discussion was held that if the excavator removed remaining material along the "path of the old road and berm," a stable platform could be created and the excavator could be used to reach down the slope to remove the remaining waste rock materials as backfill and to restore this slope to a more natural contour. This work would take many bucket load and lifts; whereas, the previous work seem to have involved only pulling up only sufficient material to more or less level the quarry floor.

Discussion was held that the quarry was backfilled to level the quarry pit or floor. This leveling was not fully accomplished as the pit area is still lower than the old berm area. The decision of 2004 required: "The quarry pit must be re-contoured to the natural topography to the extent feasible." Last year at the pre-work meeting, BLM acknowledged that the quarry may not be restored fully to natural contour, but that backfilling should restore a slope from the quarry highwall crest to the old berm. That re-contouring would restore the quarry and dump to a more natural contour. Mr. Aguiar did not seem to accept or acknowledge that requirement at this meeting.

BLM discussed that it may be willing to leave the lowest part of the dump, if it cannot be pulled up. However, the quarry needs to be restored to a more natural contour than exists at the present condition.

At the conclusion of the meeting, Mr. Aguiar stated that he would contact his equipment operator. He would set up a meeting with the equipment operator, DOGM, and BLM, where the future disposition of reclamation would be discussed and hopefully concurrence would be reached.

Again, BLM's goal is a performance compliance, and the agency's decision is not design oriented (how to do it). BLM will consider what is feasible and what can be safely accomplished. At this time, there is material that was within reach of an excavator that was not used for backfilling and recontouring of the quarry or restoration of the dump slope.

/s/Michael K. Jackson